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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,274	03/12/2004	Shigeru Hoyashita	119095	5184

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EXAMINER

HARRIS, CHANDA L

ART UNIT	PAPER NUMBER
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3715

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/798,274

Applicant(s)

HOYASHITA ET AL.

Examiner

Chanda L. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/12/04 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/26/06, 8/15/05, 7/27/04, 7/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1 and 2 are objected to because of the following informalities:

- Claim 1 recites the limitation "each predetermined stage" in line 6. There is insufficient antecedent basis for this limitation in the claim. Claim 2, line 2: "a" should be -- an --.
- Claim 4, line 3: "specializations" should be -- specialization --.
- Claim 4, line 4: "recoded" should be -- recorded --.
- Claim 4, line 7: "fields" should be -- field --.
- Claim 6, line 4: "recoded" should be -- recorded --.
- Claims 7 and 8, line 3: "whether or not readily respond to the support request" should be
-- ready to respond to the support request or not --.
- Claim 7, line 7: "a member" should be -- the member --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by L'Allier et al. (US 6,039,575).

1. [Claim 1]: Regarding Claim 1, L'Allier discloses education means for providing the educational service utilizing at least one educational material (i.e., a sequence of instructional units) to the user via the network, wherein the educational material to the user via a network (e.g., LAN or World Wide Web), wherein the educational material includes a plurality of elements. See Col.2: 15-18 and Col.3: 21-25. L'Allier discloses test (i.e., evaluation) transmission means for transmitting a test to the user to send an answer to the test, wherein said test is associated with said educational material; evaluation means for receiving the answer from the user via the network to evaluate it; and evaluation transmission means for transmitting the evaluation result by the evaluation means to the user. See Col.2: 5-22.

2. [Claim 2]: Regarding Claim 2, L'Allier discloses educational material optimizing means for selecting at least one element (i.e., questions or exercises) from an educational material database based upon the evaluation result by the evaluation means with reference to predetermined selection criteria; and educational material dynamic changing means for dynamically changing a part of said educational material using said selected at least one element, wherein the part corresponds to the selected element and is not yet taken by the user. See Col.2: 5-22.

3. [Claim 3]: Regarding Claim 3, L'Allier discloses means for transmitting a pre-test prior to transmitting the educational material and for prompting the user to send an answer to the pre-test (i.e., pre-assessment testing sequence), wherein said evaluation

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means further receives the answer to the pre-test to evaluate it, and wherein said educational material optimizing means selects the educational material including a plurality of elements from the pre-established educational material database based upon the evaluation result of the pre-test with reference to said predetermined selection criteria. See Col.3: 44-Col.4: 27.

4. [Claim 4]: Regarding Claim 4, L'Allier discloses wherein said optimizing means selects the educational material from the pre-established educational material database based upon the evaluation result of the answer to the pre-test. See Col.4: 18-23.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over L'Aliier in view of Chao et al. (US 6,325,632).

1. [Claims 5-8]: Regarding Claims 5-8, L'Allier does not disclose expressly an educational support database (i.e., storage medium) in which educational support members (i.e., instructors), specialization areas of respective educational support members, and contact addresses (i.e., email address) of respective educational support members are recorded therein; support member selection means (i.e., search engine)

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for receiving support request from the user via a network and for selecting at least one educational support member who has a specialization field (e.g., Speak English) coinciding with a specialization field of said support request received from the user via the network or a specialization field in which the educational service is provided to the user from said educational support member database; and connection agent means (i.e., session manager) for mediating a connection between said contact address of the selected educational support member and said user via the network and for communicating at least one piece of information from audio information (i.e., an audio stream), image information (e.g., a picture), and text information between the selected educational support member and the user. L'Allier does not disclose expressly user support means for receiving the reply of the support request from the selected educational support member via the network and for forwarding it to the corresponding user via the network. L'Allier does not disclose expressly a register means for registering status of the educational support members, in which each support member is ready to respond to the support request or not, to the educational support member database, and wherein said support selection means, when an educational support member is to be selected, for preferentially selecting the educational support member who has a status in which the member can readily respond. However, Chao teaches such in Col.4: 11-40, Col.5: 1-Col.6: 15. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of L'Allier, in light of the teaching of Chao, in order to provide a system for matching students with instructors.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Bertrand et al. (US 6,745,170)
-pretest
- McCormick et al. (US 7,031,651)
-matching teachers with students
- Yamano (US 6,547,568)
-learner has worldwide choice of an instructor who is best matched with expectations
- Spiece (US 4,798,543)
-pretest
- Linton (US 6,496,681)
-pretest


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chanda L. Harris
Primary Examiner
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